



California Fair Political Practices Commission

November 14, 1986

Malcolm R. Trifon, Counsel
Kaiser Foundation Health Plan, Inc.
One Kaiser Plaza
Oakland, CA 94612

Re: Your Request for Advice
Our File No. A-86-294

Dear Mr. Trifon:

You have requested advice on behalf of Kaiser Foundation Health Plan, Inc. (Kaiser), concerning its duties as a lobbyist employer under the disclosure provisions of the Political Reform Act.^{1/}

QUESTION

A Kaiser employee is married to a commissioner on the California Medical Assistance Commission (CMAC). The CMAC is listed on Kaiser's Lobbyist Employer Registration Statement as one of the agencies Kaiser lobbies. You have asked whether the salary paid to the Kaiser employee is a reportable activity expense.

CONCLUSION

The salary which Kaiser pays to the commissioner's spouse must be reported as an activity expense.

ANALYSIS

As a lobbyist employer, Kaiser must file periodic reports containing, among other things, a listing of each of its activity expenses. The Legislature has defined "activity expense" in Section 86111 as follows:

(a) "Activity expense" as used in this chapter means any expense incurred or payment made by a

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated.

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lobbyist, lobbying firm, lobbyist employer or a person described in subdivision (b) of Section 86115, or arranged by a lobbyist or lobbying firm, which benefits in whole or in part any elective state official, legislative official, agency official, state candidate, or a member of the immediate family of one of these individuals. Activity expenses include gifts, honoraria, consulting fees, salaries, and any other form of compensation but do not include campaign contributions.

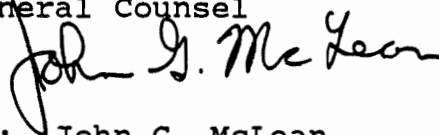
(b) "Agency official" as used in this chapter means any official of a state agency whose administrative actions the lobbyist, lobbying firm, lobbyist employer, or person described in subdivision (b) of Section 86115 has attempted or is attempting to influence. (Emphasis added.)

In the present situation, the commissioner is an official of an agency which Kaiser has attempted or is attempting to influence. Therefore, salary paid to the commissioner's spouse must be reported as an "activity expense."

If you should have any questions, please contact me at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel



By: John G. McLean
Counsel, Legal Division

JGM:plh



Executive Offices, Ordway Building

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October 10, 1986

Ms. Diane Griffiths, General Counsel
Fair Political Practices Commission
428 J Street, 8th Floor
Sacramento, CA 95814

Dear Ms. Griffiths:

We request a legal opinion as to whether the salary paid to one of our employees who is married to a state agency official is a reportable activity expense on our quarterly Lobbyist Employer Report, or whether the employee's relationship to the official and/or salary is otherwise reportable under any other provision of the Political Reform Act of 1974.

The employee in question is a regular, full-time staff attorney employed by the Northern California Region of Kaiser Foundation Health Plan, Inc. She is married to a Commissioner on the California Medical Assistance Commission ("CMAC"), which is listed on our Lobbyist Employer Registration Statement as one of the state agencies we lobby. The employee's work primarily involves construction and purchasing law matters. Her work does not involve any direct or indirect contact with CMAC, nor does it relate to any CMAC activities.

We would appreciate a response at your earliest convenience. If you need any additional information, please call me at (415) 271-5928.

Very truly yours,

KAISER FOUNDATION HEALTH PLAN, INC.

By: 

Malcolm R. Trifon
Counsel

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